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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,511	07/30/2001	Hiroaki Tanaka	0020-4881P	1463

2292 7590 06/03/2004

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,511

Applicant(s)

TANAKA ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruko (USPN 6071201) in view of Berman, deceased et al (USPN 3784209). Maruko teaches the basic claimed process including a method of making a two layer golf ball core (col 3, Ins 35-39; col 4, Ins 5-10,40-43, and 47-49; fig 1); molding an inner core for a center in a spherical shape (col 3, Ins 35-39; col 4, Ins 5-10,40-43, and 47-49; fig 1); placing a rubber composition for a core outer layer in a mold having a semi-spherical cavity and semi-vulcanizing the rubber composition between the semi-spherical cavity and a male plug mold to form a semi-vulcanized half-shell for the core outer layer (col 3, Ins 35-39; col 4, Ins 5-10,40-43, and 47-49; fig 1); after removing the male plug mold, mounting the core pellet/center on a concave of the semi-vulcanized half-shell for the core outer layer, and covering the core pellet/center with a semi-vulcanized half-shell for the core outer layer separately formed in the same manner as the other half-shell to integrally vulcanize (col 3, Ins 35-39; col 4, Ins 5-10,40-43, and 47-49; fig 1); and covering the core with a cover (col 5, Ins 1-8; fig 1). Also, Maruko teaches the use of a rubber composition that does not contain zinc salt of unsaturated carboxylic acid (col 4, Ins 5-9)--as a note, Maruko teaches using magnesium salts and ester compounds. However, Maruko does not teach molding an unvulcanized center. Berman, deceased

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et al teach molding a golf ball by wrapping an uncured center in an uncured cover and then curing the layers together (col 4, lns 11-17). Maruko and Berman, deceased et al are combinable because they are analogous with respect to forming a golf ball. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the unvulcanized core of Berman, deceased et al as the core of Maruko in order to form a golf ball having a good bond between layers. In regard to claims 2-6, Maruko teaches molding a core outer layer less than 50% by volume based on the total volume of the core (fig 1); using magnesium salt (col 4, lns 5-9); and molding a core comprised of a center and at least one core outer layer formed on a center and a cover covering the core wherein the core outer layer is formed from a rubber composition which contains a magnesium salt (col 4, lns 5-9). Maruko, however, does not teach using the composition of claim 2; and using the composition of the center of claim 5. In regard to using the composition of claim 2, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed composition is generally well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed composition in the process of Maruko in order to produce a high-quality golf ball. In regard to using the composition of the center of claim 5, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed composition is generally well-known

in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed composition in the process of Maruko in order to produce a high-quality golf ball.

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaanni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE
Primary Examiner
Art Unit 1732



6/1/04